

then have happened, a vacancy will have occurred during the recess of the legislature. Under such circumstances, can the power of the executive of this state to make a temporary appointment be doubted? Would it not be the right and the duty of the executive to make it? Can it be doubted that the senator thus appointed would be entitled to his seat in the august body to which he had been elevated? Surely not. The senate, after respectful consideration, is unable to perceive the force of the argument of your honourable body, or the applicability of the authority upon which it is founded.

The senate nevertheless, is prepared to proceed at any hour this day, which your honourable body may appoint, to the election of a senator in the congress of the United States, to fill the vacancy which will take place on the third day of *March* next.

By order,

L. Gassaway, Clk.

Which were read.

Mr. Merrick submitted the following message:

By the House of Delegates,
February 24, 1831.

Gentlemen of the Senate,

We have received your message of this morning stating the readiness of your honourable body to proceed at any hour this day to the election of a senator to fill the vacancy which will take place in the senate of the United States on the third of *March* next. Satisfied with your conclusion, we waive the argument, and propose to proceed forthwith.

By order,

G. G. Brewer, Clk.

Which was twice read, assented to, and sent to the senate.

Mr. Ely reported a bill, entitled, An act for the benefit of the heirs of Mary Bucknal.

Which was read the first, and by special order the second time, passed, and sent to the senate.

Mr. Blakistone submitted the following message; which was twice read, assented to, and sent to the senate:

By the House of Delegates,
February 24, 1831.

Gentlemen of the Senate,

We propose with your concurrence, to appoint a joint